

## Office of the Attorney General

## State of Texas November 19, 1998

## DAN MORALES

ATTORNEY GENERAL

Mr. S. Anthony Safi Attorney at Law Mounce, Green, Myers, Safi & Galatzan P.O. Box 1977 El Paso, Texas 79950-1977

OR98-2773

Dear Mr. Safi:

On behalf of the El Paso Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119746.

The school district received a request for various information concerning its school bus drivers and its school buses. You ask whether the school district must withhold from disclosure bus driver driving record information. The school district apparently obtained the information from the Texas Department of Public Safety ("DPS). You have submitted a representative sample of the information.<sup>1</sup> We assume the school district released to the requester the requested information about its school buses.

## Section 552,130 of the Government Code reads as follows:

- (a) Information is excepted from [required public disclosure] if the information relates to:
- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or

<sup>&</sup>lt;sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

- (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.
- (b) Information described by Subsection (a) may be released only if. and in the manner, authorized by Chapter 730, Transportation Code.

We believe the information at issue is the type of information covered by subsection (a) of section 552.130.

In previous open records rulings, this office held that the public release of the same types of information at issue here was governed by section 552.130(b) in conjunction with chapter 730 of the Transportation Code. We previously believed school districts to be acting as an "agency of this state, or an authorized agent or contractor of an agency of this state, that compiles or maintains motor vehicle records." Transp. Code § 730.003(1). After further consideration, we no longer believe that such is the case.<sup>2</sup> Accordingly, we conclude that chapter 730 of the Transportation Code does not apply to school districts. Open Records Letter Nos. 98-2435 (1998), 98-2415 (1998). Because the information at issue is excepted from public disclosure under section 552.130(a) of the Government Code, and is not subject to release under section 552.130(b), we conclude that the district must withhold the requested information pursuant to section 552.130(a).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

Kay Hastings

Assistant Attorney General

Open Records Division

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Ref.: ID# 119746

Submitted documents Enclosures:

<sup>&</sup>lt;sup>2</sup>The question of whether a school district is a "motor carrier" for purposes of section 730.003(4) is, therefore, no longer an issue because we find chapter 730 to be inapplicable to school districts.

cc: Mr. Ace Bole KVIA-TV 7

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(w/o enclosures)